

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN AUDIO DIGITAL-TO-ANALOG
CONVERTERS AND PRODUCTS CONTAINING SAME**

Inv. No. 337-TA-499

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING A MOTION FOR SUMMARY DETERMINATION ON
THE ISSUE OF IMPORTATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ's") initial determination ("ID") (Order No. 15) granting complainant's motion for summary determination that the importation requirements of 19 U.S.C. § 1337(a)(1)(B) have been met.

FOR FURTHER INFORMATION CONTACT: Clara Kuehn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3012. Copies of the public version of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 14, 2003, based on a complaint filed on behalf of Cirrus Logic, Inc. of Austin, Texas ("complainant"). 68 *Fed. Reg.* 64,641 (Nov. 14, 2003). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930 in the importation into the United States, sale for importation, and sale

within the United States after importation of certain audio digital-to-analog converters and products containing same by reason of infringement of claims 1 and 11 of the U.S. Patent No. 6,492,928 B1 (“the ‘928 patent”). The notice of investigation named two respondents: Wolfson Microelectronics, PLC of Edinburgh, United Kingdom; and Wolfson Microelectronics, Inc. of San Diego, Calif. (collectively, “Wolfson”). *Id.*

On December 29, 2003, the ALJ issued an ID (Order No. 5) granting complainant’s motion to amend the complaint and notice of investigation to add allegations of infringement of claims 2, 3, 5, 6, and 15 of the ‘928 patent, and of claims 9, 12, and 19 of U.S. Patent No. 6,011,501. That ID was not reviewed by the Commission. 69 *Fed. Reg.* 4177 (Jan. 28, 2004).

On June 16, 2004, complainant filed a motion for summary determination that the importation requirements of section 337(a)(1)(B) had been met. On June 28, 2004, the Commission investigative attorney (“IA”) filed a response supporting the motion. On the same day, Wolfson filed its response to the motion. On June 29, 2004, the ALJ issued the subject ID (Order No. 15) granting complainant’s motion.

On July 7, 2004, Wolfson moved for reconsideration of the subject ID and filed a petition for review with the Commission contingent upon the ALJ’s ruling on its motion for reconsideration.

On July 9, 2004, complainant and the IA filed responses opposing Wolfson’s motion for reconsideration. On July 12, 2004, Wolfson filed a motion for leave to reply to complainant’s opposition to the motion for reconsideration with attached reply.

On July 12, 2004, the ALJ issued Order No. 19 granting Wolfson’s July 12, 2004, motion for leave to reply and denying its motion for reconsideration of the subject ID.

On July 14, 2004, complainant and the IA filed responses opposing Wolfson’s petition for review.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42 of the Commission’s Rules of Practice and Procedure (19 C.F.R. 210.42).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: July 28, 2004